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**DEPARTMENT OF STATE**

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DIVISION OF PROFESSIONAL REGULATION

<b>PUBLIC MEETING NOTICE:</b>	<b>BOARD OF NURSING Meeting Minutes</b>
<b>DATE AND TIME:</b>	<b>Wednesday, March 9, 2011 at 9:30 a.m.</b>
<b>PLACE:</b>	<b>DelTech-Owens Campus</b> Theatre in Arts & Sciences Building, Room 349
<b>APPROVED:</b>	April 13, 2011

**MEMBERS PRESENT**

Evelyn Nicholson, President, Public Member  
Robert Contino, RN, Vice President, Nurse Educator Member  
Dianne Halpern, RN Member  
Mary Lomax, Public Member  
Barbara Peterson, RN Member  
Lyron Deputy, RN Member  
Delphos Price, APN Member  
Kathy Bradley, LPN Member

**DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT**

Pamela Zickafoose, Executive Director  
Allison Reardon, Deputy Attorney General  
Sandra Wagner, Administrative Specialist III

**MEMBERS ABSENT**

Stacey Burns, LPN Member  
Robert Maddex, Public Member  
Tammy Ward, RN Member  
Tracy Littleton, LPN Member  
Harland Sanders, Public Member  
Pamela Tyranski, RN Member  
Madelyn Nellius, Public Member

**ALSO PRESENT**

Tammy Paxton, Delaware Technical & Community College, Owens Campus  
Barbara J. Robinson, Leads School of Technology  
Connie Bushey, Beebe School of Nursing  
Nursing Students

Ms. Nicholson called the meeting to order at 9:03 a.m. She opened the meeting by thanking Delaware Technical & Community College, Owens Campus for hosting the meeting. She also extended thanks to Dr. Illeanna Smith, Vice President/Campus Director, Ms. Bobbi Barends, Dean of Instruction and Ms. Tammy Paxton, Nursing Chairperson.

### **REVIEW OF MINUTES**

The Board reviewed the minutes of the meeting held on February 9, 2011. Dr. Peterson made a motion, seconded by Ms. Halpern, to approve the minutes. With Mr. Price and Ms. Bradley abstaining, the motion was carried.

### **ADOPTION OF THE AGENDA**

Dr. Zickafoose indicated that an amended agenda is found at each member's seat. Ms. Reardon asked for the agenda to be amended to add Mr. Lapp for approval of his Board Order. Mr. Price made a motion, seconded by Dr. Lomax, to adopt the amended agenda. The motion was carried.

### **ACTIVITIES REPORT**

Dr. Zickafoose provided the report of the number and types of active licenses as of March 9, 2011.

Total Active Licenses = 18,524  
APN = 1,113  
RN = 14,478  
LPN = 2,933

### **UNFINISHED BUSINESS**

The Board discussed applicants that are renewing with criminal charges. Language from the Rules and Regulations sections 1910(5) and 1914(5) regarding criminal convictions is being added to the proposed legislative bill regarding late renewals.

### **COMMITTEE REPORTS**

Dr. Zickafoose stated that the Board needed a Chairperson for the Rules & Regulations, AWSAM, and Legislative committees and she asked the Board members if any were interested. Lyron Deputy expressed an interest in the Rules & Regulations committee. Dr. Zickafoose also stated that the Joint Practice committee will meet on March 29, 2011 and she plans to get the APN committee reactivated.

### **PRESIDENT'S REPORT**

On behalf of the board members, Ms. Nicholson welcomed all the nursing students in attendance at the meeting. She commended the students on their career choice and wished them well as they continue their studies.

### **EXECUTIVE DIRECTOR'S REPORT**

Dr. Zickafoose submitted a written report (see attached).

### **NEW BUSINESS BEFORE THE BOARD**

#### **LICENSEE APPLICATION REVIEWS** **By Examination**

Sandra Jones - Ms. Jones is a GPN applicant who graduated July 13, 2010 from Camtech. She needed a waiver to be granted in order to test because she was found guilty for possessing marijuana, possessing/using cocaine and heroin, possessing drug paraphernalia and maintaining a vehicle as a dwelling place used for distributing. Her last offense was 27 years ago. She attempted to get dispositions and submitted documents pertaining to these offenses. The Justice of the Peace Court in Middletown DE burned and records are not available. The Board reviewed the documents provided by the applicant showing completion of all requirements. Dr. Peterson made a motion, seconded by Mr. Price, to grant Ms. Jones a waiver in accordance with 24 Del.C. §1914(5). By unanimous vote, the motion carried.

#### By Endorsement

Shawnell Jackson-Thompson, LPN - Ms. Jackson-Thompson was convicted March 1, 1995 for Retail Theft, a crime found to be substantially related to the practice of nursing according to Board Rule 15.3.16. The Board reviewed the police document provided by the applicant showing fines paid. Ms. Jackson-Thompson answered on her application "no" that she was never convicted of a crime. Dr. Peterson made a motion, seconded by Dr. Lomax, to propose to deny Ms. Jackson-Thompson licensure by endorsement. By unanimous vote, the motion carried. The Board asked that a letter be sent to Ms. Jackson-Thompson stating that no matter the length of time passed the applicant should always answer honestly on the application.

Judy Marshall-Cook, RN - Ms. Marshall-Cook has been retired from 2005-2010 and was notified by a staff member at Professional Regulation that she will need to complete a refresher course. Ms. Marshall-Cook stated that all of the refresher courses are up in New Castle County and that was far from where she lives. She is requesting a supervised practice plan. Dr. Contino made a motion, seconded by Ms. Bradley, to grant Ms. Marshall-Cook approval to have a practice plan once she finds an employer willing to provide the necessary requirements. Ms. Marshall-Cook will need to coordinate with the Executive Director of the Board of Nursing. By unanimous vote, the motion carried.

Seth Crossan, RN- Mr. Crossan was arrested in 1998 for possession of marijuana less than one ounce in Georgia. The criminal docket shows the bail was forfeited as a fine paid and the charge was discharged. Mr. Price made a motion, seconded by Mr. Deputy, to grant Mr. Crossan licensure by endorsement. By unanimous vote, the motion carried.

Wenting Sun, RN- Mr. Sun does not have a valid employer reference as the employer would not answer the questions on the employer reference form. Mr. Sun states that there was no performance evaluation available either. The Board is seeing more frequently that employers will only give dates of employment and will not give references. Mr. Sun has active licenses in 2 different states. Dr. Contino made a motion, seconded by Ms. Halpern, to grant Mr. Sun licensure by endorsement. By unanimous vote, the motion carried.

#### **ASSIGNMENTS/ASSIGNED BOARD CONTACT PERSON**

Mr. Price made a motion, seconded by Ms. Halpern, to ratify the following complaint assignments given to the respective Board contact person. The motion was carried by unanimous vote.

11-10-11 Lyron Deputy  
11-11-11 Madelyn Nellius  
11-12-11 Pamela Tyranski

#### **CLOSED COMPLAINTS**

Ms. Nicholson noted this was for information only to get into the record and did not need a vote.

Dismissed by the Attorney General's Office

There was one complaint closed by the Attorney General's Office; 11-07-10.

Closed Investigations by the Division of Professional Regulation

There were no complaints closed by the Division of Professional Regulation in February.

**HEARINGS/CONSENT AGREEMENTS – RATIFICATION & SIGNATURE**

Hearings

Consent Agreement(s)

Angie Spense – Board members reviewed the consent agreement. Mr. Price made a motion, seconded by Ms. Bradley, to accept and approve the consent agreement. Ms. Reardon stated that there is a typo in the consent and that the Board will need a new motion to accept the consent agreement with the corrected typo. Mr. Price made a motion, seconded by Dr. Peterson, to ratify and to accept the amended consent. By unanimous vote, the motion carried.

Kimberly Girtlen – Board members reviewed the consent agreement. Dr. Contino made a motion, seconded by Ms. Halpern, to accept and approve the consent agreement. By unanimous vote, the motion carried.

Ryan Brown - Board members reviewed the consent agreement. Mr. Price made a motion, seconded by Dr. Contino, to NOT accept the consent. Discussion started with Dr. Contino stating that there isn't enough information to make a proper decision. The motion carried by majority vote, with Dr. Peterson opposing.

**HEARING PANEL FINDINGS/DECISIONS/ORDERS**

David Lapp - The hearing panel recommended suspension of Mr. Lapp's license for a period of 7 years. Mr. Price made a motion, seconded by Ms. Halpern, to accept the decision and order. With Dr. Peterson, Dr. Contino, and Dr. Lomax abstaining, the Board needed more members to be present to have the motion pass. Mr. Price moved to amend the motion, seconded by Ms. Halpern, to table Mr. Lapp's decision and order until April's Board meeting. The motion carried.

**HEARINGS**

No hearings were scheduled today.

**DISCIPLINARY HEARING (To review Video)**

Deputy Attorney General Stacey Stewart presented the Board of Nursing with a motion to watch a video in executive session for two up-coming complaints.

Dr. Contino made a motion, seconded by Mr. Price, to grant Ms. Stewart the viewing of the video for Mr. Robert Rapone. The motion carried by majority vote, with Dr. Peterson abstaining.

Dr. Contino made a motion, seconded by Dr. Lomax, to grant Ms. Stewart the viewing of the video for Ms. Madhu Jain. The motion carried by majority vote, with Dr. Peterson abstaining.

**LEGISLATIVE UPDATE**

The Board of Nursing's Deputy Attorney General wanted the Board to discuss Regulation 10.5. Ms. Davis-Oliva feels that this regulation is not needed and asked the Board to have this removed from the Rules and Regulations. Ms. Nicholson asked if the Board needed to keep subsections 10.5.1.8 and 10.5.1.9. Ms. Reardon was representing the Board at the March meeting and said that the Board could check with Ms. Davis-Oliva, but that those subsections are addressed in the Administrative Regulations. Ms. Halpern made a motion, seconded by Mr. Price, to strike 10.5 from the Rules and Regulations. By unanimous vote, the motion was carried.

#### **REVIEW OF COMPLIANCE**

None

#### **PRACTICE WITHOUT LICENSURE REVIEWS (February)**

Dr. Zickafoose reported there was no practice without license issues for February.

#### **PRACTICE ISSUES**

The following applicants submitted letters for approval of volunteer hours as their practice requirement for renewal. The Board read each letter and made these motions based on the volunteer activities documented:

Helen Callahan – Dr. Peterson made a motion, seconded by Mr. Price, to approve Ms. Callahan's requested volunteer hours to complete her renewal. By unanimous vote, the motion carried.

Carol Donahue – Mr. Price made a motion, seconded by Dr. Peterson, to approve Ms. Donahue's requested volunteer hours to complete her renewal. By unanimous vote, the motion carried.

Lisa Waller – Mr. Price made a motion, seconded by Mr. Deputy, to grant Ms. Waller approval to use the requested volunteer hours for the September 2011 renewal. By unanimous vote, the motion carried.

#### **EDUCATIONAL ISSUES**

Polytech sent a letter to the Board of Nursing requesting to increase their class size. Dr. Peterson made a motion, seconded by Mr. Price, to approve the request. By unanimous vote, the motion carried.

Camtech submitted a request for faculty approval of Joy P. Magee, MSN. The Board reviewed the request and Dr. Contino made a motion, seconded by Ms. Halpern, to approve Joy P. Magee as a Camtech Director. By unanimous vote, the motion carried.

Rockford Center submitted an application for approval to be a Continuing Education Provider. Dr. Zickafoose said that she recommends them as an approved provider. Dr. Peterson made a motion, seconded by Mr. Price, to accept the Rockford Center as an approved CE provider. By unanimous vote, the motion carried.

PMSI submitted an application for approval to be a Continuing Education Provider. Dr. Zickafoose said that she recommends them as an approved provider. Ms. Halpern made a motion, seconded by Mr. Deputy, to accept the PMSI as an approved CE provider. By unanimous vote, the motion carried.

CORAM submitted an application for approval to be a Continuing Education Provider. Dr. Zickafoose said that she recommends them as an approved provider. Mr. Price made a motion, seconded by Dr. Contino, to accept the CORAM as an approved CE provider. By unanimous vote, the motion carried.

**LICENSURE ISSUES**

None

**NCSBN**

Dr. Zickafoose will be attending the Mid-Year meeting in Chicago next week. Dr. Zickafoose will give updates from the conference at the April Board meeting.

**LICENSEE RATIFICATION**

Mr. Price made a motion, seconded by Mr. Deputy, to ratify the Licensee List as presented. The motion was carried by unanimous vote.

**OTHER**

**PUBLIC COMMENT**

Ms. Nicholson talked with the students about the importance of full and truthful disclosure of information on their applications for licensure. Ms. Tammy Paxton thanked the Board of Nursing for coming to the school and conducting a meeting for the students to see how the Board operates and what kind of decisions are made by the Board.

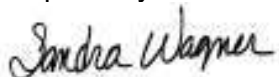
**NEXT SCHEDULED MEETING**

April 13, 2011 - 9:00 a.m.  
861 Silver Lake Blvd., Cannon Building, Conference Room A, Dover, DE 19904

**ADJOURNMENT**

The meeting was adjourned at 11:20 a.m.

Respectfully Submitted,



Administrative Specialist III  
Delaware Board of Nursing

Attachments: Executive Director Report

Executive Director Report  
Submitted March 9, 2011 by Dr. Pamela C. Zickafoose

It is coming up close to the three month mark for my employment in the Executive Director's position. Wow, how fast time flies! That is a good thing, I think. I am still finding this role to be very invigorating, challenging and exciting.

The next set of renewal letters for May was mailed. I understand the September RN renewal is the largest group which would make sense because most schools graduate in May or June.

Next week I will be attending the NCSBN Mid-Year Meeting in Chicago. The first day (Sunday) will include a four-hour meeting for the Nurse Licensure Compact Administrators (NLCA). The next two days will consist of meetings all day. I am looking forward to reacquainting with old friends and making new ones at this meeting. In fact I have a NCSBN Executive Director mentor, Gloria Damgaard from South Dakota, who I will meet for the first time.

Nur Rajwany from the NCSBN visited us on March 1<sup>st</sup> to provide an update and orient us on NURSYS. During the meeting we had the opportunity to discuss the Data Integrity Project grant with the division Information Technology staff. Revisions will be included in the grant based on recommendations from this meeting. One priority is scanning our licensure and discipline documents into the computer. This will assist with data entry when we update the L2K database for NURSYS.

I have been invited by the Delaware Nurses Association to attend a meeting on the Future of Nursing on March 21<sup>st</sup>. They are having a speaker from the Robert Wood Johnson Foundation via live video conferencing.

Also, I am hoping to re-energize the APN committee of the Board of Nursing. This committee has not met for several years and I think it is vital that this group reconvene. We have not looked at Section 8 of the Rules and Regulations which pertain to APNs.

Because of the IOM Report on the Future of Nursing, I think these are exciting times in nursing. We must be proactive rather than reactive in moving our profession into the future. For those who have not had the opportunity to review the report, it can be found at [www.iom.edu/Reports/2010/The-Future-of-Nursing](http://www.iom.edu/Reports/2010/The-Future-of-Nursing)

Finally, in April I will have the pleasure of speaking to the Beebe School of Nursing students. I am very honored and excited to meet our future nurses.